

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on June 19, 2008, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Vice-Chairman
Bill Beckwith
Jim Graw
Tim Thoms

MEMBERS ABSENT: Douglas Powell, Chairman

STAFF PRESENT: Tom Williams, Assistant Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

STAFF ABSENT: Pete Frisina, Director of Planning & Zoning

Welcome and Call to Order:

Vice-Chairman Gilbert called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

* * * * *

1. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VII. Conditional Uses, Exceptions, and Modifications, Section 7-1. Conditional Use Approval, B. Conditional Uses Allowed, 23. Home Occupation, as presented by the Planning & Zoning Department.** *Instructed by BOC on 06/04/08 to begin review.*

Dennis Dutton commented that the proposed amendment is basically a “housekeeping” item. He explained that a single-family residence was a Conditional Use in the C-C, C-H, M-1, M-2, and O-I zoning districts; however, a Home Occupation is only allowed in the A-R and residential zoning districts. He said that this did not allow those living in a single-family dwelling in a nonresidential zoning district the same rights as those living in a single-family dwelling in a residential zoning district. He pointed out that the proposed amendment would not allow a business to be operated and also allow someone to live in the same structure. He noted that this request came from someone who owns a tract which is zoned nonresidential and contains a single-family dwelling, but they could not get a Home Occupation - Occupational Tax issued to them.

Mr. Dutton presented the proposed amendments as follows:

Staff’s additions to the current ordinance are indicated in **bold**, **underline**, and ***italics***. ~~Strikethrough~~ indicates deletion.

ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. **Conditional Use Approval, B. Conditional Uses Allowed:**

23. **Home Occupation.** (Allowed in A-R, ~~and~~ residential zoning districts, **C-C, C-H, M-1, M-2, and O-I zoning districts**).
- a. **Residents.** Only residents of the dwelling may be engaged in the home occupation.
- b. **Incidental Use.** The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.

- c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.
 - d. Area. Use of the building for this purpose shall not exceed thirty-five (35) percent of the principal building.
 - e. Alterations. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 - f. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.
 - g. Music, etc. Instruction in music and similar subjects shall be limited to two (2) students at a time.
 - h. Vehicles. Only vehicles used primarily as passenger vehicles shall be permitted to remain on the premises.
 - i. Uses. The following and similar uses shall not be considered home occupations: automobile service station, automobile and related machine sales, automobile repair or maintenance, ambulance service, rescue squad, amusement or recreational activities (commercial), animal hospital, commercial kennel, veterinarian clinic or animal boarding place, pawn shops, acid storage and manufacturing, heavy manufacturing, fortune teller, palm reader, and massage therapy.
37. Single-Family Residence. (Allowed in the C-C, C-H, M-1, M-2, and O-I Zoning Districts).
- a. Said residence shall be a single-family detached residence.
 - b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.

Jim Graw asked if this would be a good time to review the uses listed under number i.

Mr. Dutton replied that this has not been a problem since a signed "Affidavit" is also required.

The P.C. stated that the uses could be looked at in the future if it becomes a problem; however, this item could be presented to the B.O.C. at their Workshop.

Tim Thoms commented that there are probably a lot of home occupations operating illegally because people are working from their homes more now than in the past. He asked if the BTP zoning district should be added to allow a Home Occupation.

Robyn Wilson stated that the BTP could not be added at this time since the BTP had not be adopted yet; however, once it is adopted, an amendment to the ordinance could be initiated.

June 19, 2008

Mr. Dutton advised that he would request to have this item placed on the August B.O.C. Workshop.

* * * * *

2. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article V. General Provisions, Section 5-17. Height Limitation of Walls and Fences and Section 5-11. Common Area, and Article III. Definitions (Common Area, Fence, and Walls) as presented by the Planning & Zoning Department. Instructed by BOC on 10/03/07 to begin review. Advertised for Public Hearing on 07/02/08.**

Vice-Chairman Gilbert stated that there are approximately four (4) ways to pursue walls/fences: 1) keep the current ordinance; 2) only require walls/fences to be out of the right-of-way; 3) delete current ordinance in its entirety; and 4) proceed with the proposed ordinance, but a consensus will need to be reached on the height and or type of materials and also what happens to those existing walls/fences in the right-of-way, if destroyed, can they be rebuilt in the right-of-way?

Jim Graw stated he would like to proceed with the proposed amendments.

Tim Thoms stated he was more comfortable with the current ordinance.

Bill Beckwith concurred.

Vice-Chairman Gilbert concurred and added that the proposed amendment is way too wordy and too confusing.

The following ordinances were discussed:

CURRENT ORDINANCE

5-17. **Height Limitations of Walls and Fences.**

- A. In any residential zoning district, no wall or fence shall exceed four (4) feet in height within or along a boundary of a front yard. No wall or fence shall exceed eight (8) feet in height. All property zoned A-R where the use of the property is for farming, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement.
- B. No wall or fence shall be constructed in a public right-of-way. Any entrance must be at least fourteen (14) feet apart at the driveway to allow for passage of emergency vehicles.

PROPOSED ORDINANCE

Delete Section 5-17. Height Limitations of Walls and Fences in its entirety and adoption of the following:

ARTICLE V. GENERAL PROVISIONS

5-17. **Walls, Fences, and Entrance Structures located in a front yard in A-R and all residential zoning districts and Residential and Nonresidential Subdivision Entrance Walls and Fences.**

- A. All walls and fences shall comply with the following:
1. No wall or fence shall be constructed in a public right-of-way, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant, utility meter, or utility pole.
 2. Any vehicular driveway shall have a minimum clearance of fourteen (14) feet in width and height to allow for the passage of emergency vehicles.
 3. All walls and fences shall be maintained and repaired as required in the International Property Maintenance Code.
 4. A Zoning Compliance Certificate will be required for all walls and fences located in a front yard prior to construction. Wall or fence elevations shall be submitted to the Planning and Zoning Department for review.
 5. No wall or fence, three (3) feet in height or greater as measured from the road grade, shall be permitted within 20 feet of the intersection of the right-of-way lines of the streets to provide a visibility triangle for traffic safety.
- B. Walls and Fences not exceeding four (4) feet in height shall comply with the following:
1. A wall and/or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, chain link or other wire materials, or other architecturally engineered facades which match these materials.
 2. Posts or columns shall not exceed five (5) feet in height. Light fixtures, ornamental statues, and figurines shall not be included in the measurement of height.
- C. Walls and Fences exceeding four (4) feet in height shall comply with the following:
1. A wall and/or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.
 2. A solid wall and/or fence shall not exceed four (4) feet in height and any portion of a wall and/or fence higher than four (4) feet shall have a minimum visibility of 50 percent (50%) which shall be uniformly spaced over the entire linear footage of the wall and/or fence. Columns and posts shall not be included in this calculation.
 3. A vehicular entry structure shall not be subject to the four (4) foot wall and fence requirement or the minimum visibility of 50 percent (50%) within 35 feet of either side of the driveway.
- D. Walls and fences that cannot meet height requirements due to changes in grade shall comply with the following:

1. Where height requirements cannot be met due to changes in grade, adjustments shall be made to each section (as created by the columns or posts) of the wall or fence to meet the requirements to the greatest degree possible. This will result in a stair-step pattern as the wall or fence moves down the grade.

E. Exemptions.

The following shall be exempt from the above requirements:

1. In any residential zoning district where horses are kept in accordance with Article V. General Provisions, Raising and Keeping Horses in Residential Districts, a wall or fence made of chain link or other wire materials is exempt from the four (4) foot maximum height requirement and shall not exceed a maximum of five (5) feet in height in a front yard.
2. Where the use of the property is for farming in an A-R zoning district, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement, and exempt from the construction requirements of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.
3. Walls/Fences in any residential or A-R zoning district;
 - a. On a corner lot, in order to reduce road noise, a solid wall and/or fence along a street which is classified as an Arterial or Collector per the Fayette County Thoroughfare Plan shall be exempt from the four (4) foot maximum height requirement and the 50 percent (50%) visibility requirement beginning 20 feet from the intersection of the right-of-way lines. However, this exemption shall not apply to the street which the front door of the residence is facing.
 - b. Where a temporary fence is used in conjunction with a construction site, said fence is exempt from the requirements of this section.
 - c. A fence required for a telecommunication tower site shall comply with the requirements of Article V. General Provisions, Telecommunication Antennas and Towers and shall be exempt from the requirements of this section.
 - d. A fence used in conjunction with a storm water facility shall be exempt from the requirements of this section.
 - e. A fenced used in conjunction with any non-residential Permitted Use or Conditional Use, including but not limited to: an Animal Hospital, Kennel; Cemetery and Mausoleum; Church, Temple, or Place of Worship; Colleges and Universities; Day Care Facility; School, Private; Telephone, and Electric or Gas Sub-Station or other Public Utility Facilities shall be exempt from the requirements of this section.

- f. With regard to the location of a wall/fence, a through lot shall be exempt from the four (4) foot maximum height requirement and the minimum 50 percent (50%) visibility requirement except for the area between the street from which the lot is accessed and the front building line which shall be treated as a front yard.

E. Residential and Nonresidential Subdivision Entrance Walls and Fences.

Subdivision Entrance Walls and Fences shall be placed on common property under the ownership of the Home Owners Association (HOA) or the Property Owners Association (POA). Common property shall be shown on the Preliminary Plat and/or Final Plat. Said walls and fences shall not be subject to the four (4) foot height or 50 percent (50%) visibility requirements but shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.

(Note: (Check with the Building Permits & Inspections Department for any permitting requirements for walls/fences/subdivision entrances.)

F. Nonconformance.

All walls and fences which lawfully existed, except in the respect of height, prior to (the adoption date) which do not comply with these regulations are considered to be legally non-conforming and shall be allowed to be maintained and rebuilt to its current size and height. All walls and fences erected after (the adoption date) shall comply with the current requirements.

Mr. Thoms commented that he did not see how the P.C. could approve a wall/fence to be located in the right-of-way. He remarked that the County Attorney would have to advise Staff what would be legal, as far as, allowing a wall/fence to remain in the right-of-way. He suggested that under the current ordinance, the requirement for a Zoning Compliance Form should be added and also the title.

Vice-Chairman Gilbert added that if a property owner dedicated right-of-way to the County and now the wall/fence was in the right-of-way what could happen to the wall/fence. He questioned if the wall/fence could be “grandfathered” to remain in the right-of-way, and if destroyed, could it be rebuilt in the right-of-way.

Mr. Beckwith also added that liability was also a factor to consider if there was an accident.

Jim Graw suggested adding A. 1 thru 5 of the proposed ordinance to the current ordinance as follows:

5-17. Height Limitations of Walls and Fences.

- A. In any residential zoning district, no wall or fence shall exceed four (4) feet in height within or along a boundary of a front yard. No wall or fence shall exceed eight (8) feet in height. All property zoned A-R where the use of the property is for farming, including the raising and selling of crops and livestock, is exempt from the four (4) foot maximum height requirement.
- B. ~~No wall or fence shall be constructed in a public right of way. Any entrance must be at least fourteen (14) feet apart at the driveway to allow for passage of emergency vehicles.~~

Page 7

PC Workshop/Public Meeting

June 19, 2008

B. All walls and fences shall comply with the following:

1. *No wall or fence shall be constructed in a public right-of-way, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant, utility meter, or utility pole.*
2. *Any vehicular driveway shall have a minimum clearance of fourteen (14) feet in width and height to allow for the passage of emergency vehicles.*
3. *All walls and fences shall be maintained and repaired as required in the International Property Maintenance Code.*
4. *A Zoning Compliance Certificate will be required for all walls and fences located in a front yard prior to construction. Wall or fence elevations shall be submitted to the Planning and Zoning Department for review.*
5. *No wall or fence, three (3) feet in height or greater as measured from the road grade, shall be permitted within 20 feet of the intersection of the right-of-way lines of the streets to provide a visibility triangle for traffic safety.*

Mr. Thoms stated that he was not comfortable restricting the wall/fence height to four (4) feet in the front yard.

Vice-Chairman Gilbert remarked that enforcement and educating the public were going to be two (2) main factors.

The P.C. asked Staff to have the following questions answered by the County Attorney prior to the July Public Hearing:

1. Can an existing wall/fence be “grandfathered” (allowed to encroach into the right-of-way and higher than the height limitation) and if destroyed, can it be rebuilt in the right-of-way?
2. Can the height be addressed by the zoning district?
3. If property is dedicated for right-of-way, which makes the wall/fence located in the right-of-way, what happens to the fence?

Mr. Thoms stated that if the County Attorney states that wall/fence height can be regulated by the zoning district that he would strongly be interested in reviewing a larger height based on the zoning district.

Vice-Chairman Gilbert asked Staff to present various fence heights per zoning district at the July Public Hearing if the County Attorney advises that this is permissible.

Mr. Dutton asked the P.C. if they had any comments regarding the following proposed amendments:

Staff’s additions to the current ordinance are indicated in **bold**, underline, and *italics*.

ARTICLE V. GENERAL PROVISIONS

5-11. Reserved. *Common Area. When a common area is located between a lot and the road/street right-of-way, the setback on the lot shall be measured from the right-of-way as a front yard setback or from the common area as a side or rear setback and whichever is greater shall apply.*

ARTICLE III. DEFINITIONS

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron or rails.

Wall. Structures made of masonry or concrete.

The P.C. concurred with the proposed amendments.

* * * * *

3. **Discussion of proposed amendments to the Fayette County Comprehensive Plan regarding the S.R. 74 North Corridor Study.** *Instructed by BOC on 08/01/07 to begin review.*

Tom Williams advised that Staff has been working for approximately the past ten (10) months on the Land Use Element of the Comprehensive Plan for S.R. 74 North. He said that the S.R. 74 North Corridor had been separated into the West Side and the East Side. He stated that Staff would like to discuss the East Side tonight. He stressed that the main concern is to maintain an efficient traffic flow by regulating the number of curb cuts because S.R. 74 North is a transportation corridor to Interstate 85 and also the gateway into Fayette County. He added that a frontage road would also help to achieve efficient traffic flow.

Mr. Williams explained that the process for amending the Land Use Element of the Comprehensive Plan would take approximately sixty (60) to seventy-five (75) days following public hearings by the P.C. and the B.O.C. for permission to transmit the proposed amendments to the A.R.C. for State and Regional review. He stated that P&Z hopes to receive comments from the Town of Tyrone prior to initiating this process. He noted that final adoption by the B.O.C. would occur following notification from the A.R.C.

Copies of the proposed amendments were handed out to the residents in attendance. Mr. Williams presented the proposed amendments as follows:

**DRAFT – PROPOSED AMENDMENTS TO THE
FAYETTE COUNTY COMPREHENSIVE PLAN –
LAND USE ELEMENT**

The following amendments will be added in their entirety under FUTURE LAND USE MAP AND NARRATIVE

Business Technology Park

This category designates properties where the Business Technology Park (BTP) zoning district is appropriate. The purpose of the BTP zoning district is to provide a business/employment center in a planned campus setting with internal streets serving individual lots that contain single business or multi-tenant buildings.

Special Development District

A purpose of a Special Development District is to designate an area where specific land use policies and regulations will apply to achieve a specific development pattern. The Special Development District will be depicted as a hatched pattern over a land use designation.

Page 9

PC Workshop/Public Meeting

June 19, 2008

SR 74 North East Side Special Development District: The purpose of this Special Development

District is to promote planned office development along the eastern frontage of SR 74 to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor as stated in the SR 74 North Overlay District.

The following amendments will be added in their entirety under Transportation Corridors

Other Transportation Corridors: Section 7-6 Transportation Corridor Overlay Zone of the Fayette County Zoning Ordinance establishes Overlay Zones on state highways that traverse Fayette County. Regardless of the underlying zoning, any new nonresidential development along these corridors must meet the requirements of the particular Overlay Zone. The Zoning Ordinance establishes Overlay Zones on SR 54 West, SR 74 North South, SR 85 North, and a General State Route Overlay Zone on all other state routes.

SR 74 North Overlay District: This District identifies the county's goals and recommendations for SR 74 North north of Sandy Creek Road and sets out the preferred development pattern for this area. SR 74 runs north/south through the western side of the County and is the main connection to Interstate 85. It also connects the communities of Peachtree City and Tyrone. The SR 74 North Overlay District lies in the jurisdictions of both unincorporated Fayette County and Tyrone. The SR 74 North Overlay District is also adjacent to Fairburn in Fulton County where substantial development in the form of commercial, industrial, and higher density residential is taking place.

Existing Development

Unincorporated Fayette County: Individual tracts fronting SR 74 North range in size from small one acre tracts to large tracts of approximately 80 acres. Smaller residential tracts range in size from one acre to ten acres and the majority are clustered in the area of Sandy Creek Road and Thompson Road. The large tracts vary in size from approximately 13 to 80 acres. The majority of these large tracts are located north of Kirkley Road. These tracts may or may not contain a single-family residence. Currently, all tracts in the unincorporated area are zoned for residential uses.

Tyrone: Tracts in Tyrone fronting on SR 74 are zoned for residential, office, commercial and light industrial per the Tyrone Official Zoning Map. There are two residentially zoned tracts fronting SR 74 North, one contains a single-family residence, the other contains a church. Two residential subdivisions are located in this area, River Oaks and Rivercrest. River Oaks contains two acre lots and Rivercrest contains one-half acre lots. One tract zoned for office uses contains a small multi-tenant building and is located on the western side of SR 74 North just north of Kirkley Road. Other tracts zoned for office uses are vacant at this time. The commercially zoned tract contains a golf recreation facility on the east side of SR 74 North. One of the tracts zoned for light industrial contains a single-family residence and the other is vacant at this time.

Fairburn: Plans for SR 74 North in Fairburn indicate commercial on both sides of the road from the County line to Interstate 85 as depicted on Fairburn's Community Character Areas map. The area outside of this commercial area is indicated as residential. The area beside Interstate 85 along Oakley Industrial Boulevard is indicated as industrial.

Future Development: As SR 74 North lies in the jurisdictions of both unincorporated Fayette County and Tyrone, it is essential that both jurisdictions work together to develop a plan for the corridor. SR 74 North is first and foremost a transportation corridor providing critical access to Hartsfield-Jackson Airport and the City of Atlanta via Interstate 85. The maintenance of an efficient flow of traffic is essential. While the design, construction and maintenance of SR 74 is the responsibility of Georgia Department of Transportation, local governments have the responsibility of the control of land development through land use planning and zoning. Land use decisions on the

Page 10

PC Workshop/Public Meeting

June 19, 2008

local level will have an impact on the operational efficiency of roadway. For example, numerous curb cuts reduce the roadway capacity and safety due to the number of vehicles entering and exiting

the road in multiple locations. For the purpose of maintaining a higher level of operational efficiency and safety it is recommended that a system of new roads and service drives be pursued to reduce the number of individual curb cuts.

The goals of the SR 74 North Overlay District are: (1) to maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85; (2) to enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and (3) to protect existing and future residential areas in the SR 74 North corridor.

Recommendations:

SR 74 North West Side: The area from Kirkley Road north to the County line on the west side of SR 74 North is designated as Business Technology Park. This land use designation will correspond to the Business Technology Park Zoning District and the SR 74 North Overlay Zone.

Presently, there are three large tracts that make up the majority of the area. Two of these tracts are in unincorporated Fayette County (72 acres and 28 acres) and the other tract is in Tyrone (37 acres). The 72 acre tract is the northern most tract and a portion of it is in Fulton County, City of Fairburn. The 28 acre tract is the southern most tract and has frontage on both SR 74 and Kirkley Road. Both of these tracts are zoned Agricultural-Residential. The 37 acre tract in Tyrone separates these two tracts. The front 400 feet of this tract is zoned Office-Institutional and the remainder is zoned M-1 (Light-Industrial).

Besides these tracts there are five smaller tracts that make up the remainder of this area. In Tyrone these tracts include two five acre Agricultural-Residential tracts that contain a church located beside the aforementioned 37 acre tract, a four acre tract zoned M-1 that contains a single-family residence and a two acre Office-Institutional tract that contains a multi-tenant building. Also included in this area is a two acre R-40 tract on Kirkley Road that must be assembled with the aforementioned 28 acre tract for purposes of rezoning to Business Technology Park.

The greatest development potential is in the three large tracts. Because these tracts are contiguous to each other, they create the potential for a continuous development pattern, as they can all be linked. To promote this continuous development pattern and connection, a connecting road from SR 74 North through these properties to Kirkley Road will be required. The purpose of this road is to allow internal circulation through these properties. The road would be aligned with Thompson Road where a median break exists on SR 74 North; this will serve as the curb cut for the 72-acre tract, and will run south through the three properties to Kirkley Road. Another median break is located where Kirkley Road intersects SR 74 North. The other large tract in the unincorporated county will be allowed one curb cut for the construction of a street that will be right in/right out only, as no median break on SR 74 North is located in this area. Curb cuts for individual properties created in the development of these tracts would not be allowed on SR 74 or Kirkley Road. In addition, a multi-use path system will be required to allow for pedestrian, bicycle, and golf cart connectivity between these aforementioned properties.

SR 74 North - East Side Special Development District: The area along the east side of SR 74 North is designated as a Special Development District. The purpose of this Special Development District is to promote planned office development along the frontage of SR 74 to a depth of approximately 800 feet to fulfill the aforementioned goals for the future development of the corridor. As an incentive the Office-Institutional Zoning classification will allow a limited amount of commercial uses in conjunction with office uses when the minimum requirements for acreage (ten acres) and road frontage (600 feet) are met. This minimum requirement for acreage and frontage will

Page 11

PC Workshop/Public Meeting

June 19, 2008

achieve a reduction in individual curb cuts on SR 74, consistency and coordination in architectural design, and capacity to develop a required service drive where applicable. The assemblage of

parcels in some areas will be necessary to meet the minimum requirements of the SR 74 North – East Side Special Development District in the Office-Institutional Zoning classification.

The property located beyond 800 feet from SR 74 will remain designated for Low Density Residential (1 unit/1 to 2 acres). This would include the area along Thompson Road where residential lots exist ranging in size from two to nine acres and undeveloped large tracts where it is anticipated that residential subdivisions could be developed in the future. It is anticipated that the entrance to some of these residential areas, both existing and future, will be through the planned office development along the frontage of SR 74. It is recommended that curb cuts on these roads be minimized, landscaping be enhanced, and a multi-use path connection between these residential areas and the planned office developments be established. This will be addressed through conditions placed on the property at the time of rezoning.

Area 1: North of Thompson Road extending approximately 700 feet north to the Fulton County line. This area contains seven parcels totaling approximately 19 acres in the Special Development District. Five of the seven parcels have frontage on SR 74 and the other two parcels front on Thompson Road. Of the five parcels fronting SR 74, three contain single-family residences and two are vacant. The two parcels fronting Thompson Road each contain a single-family residence. The existing boundaries of most of these tracts are in the range of 800 feet from SR 74. However, one of these tracts is ten acres in size and is approximately 1,400 feet in depth, well beyond the 800-foot depth of the Special Development District.

Discussion of options for 10 acre tract:

Option 1: Split 10 acre tract with land use – Office in front, Low Density Residential in rear. County could not take an action (rezone) that would land lock the rear of the parcel through a split zoning. If the rear of the property remains residentially zoned it would need 100 feet of road frontage on a public road or it could be absorbed into adjacent residential lots.

Option 2: Zone whole 10 acres O-I – somehow target front 800 foot portion of the property for the O-I development and limit the development on the rear portion of the property beyond 800 feet. This could be achieved through conditions of zoning. The rear portion of the property may be limited due to watershed so it may work out anyway or the rear portion could be used for stormwater only.

This is an area where the assemblage of parcels will achieve the goals of the SR 74 North Overlay District. Assemblage would meet the threshold of a minimum of ten acres and 600 feet of road frontage on SR 74 set forth in the SR 74 Special Development District in the zoning ordinance. The continuation of the service drive in Fairburn would be required if Area 1 is assembled and zoned for non-residential uses. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning.

In the interim pending assemblage of this area, those tracts within the Special Development District, Area 1 with frontage on SR 74 can be given individual consideration for O-I zoning. Tracts that do not have frontage on SR 74 that are within Special Development District, Area 1 should not be given individual consideration for O-I zoning. Consideration for O-I zoning should not be given to these tracts until they are assembled with adjacent properties to meet the requirements of the SR 74 North - East Side Special Development District in the O-I Zoning classification.

Area 2: South of Thompson Road extending south approximately 800 feet. This area contains four parcels totaling approximately 10.4 acres in the Special Development District. Two of the four parcels have frontage on SR 74 and the other two parcels front on Thompson Road. Of the two

parcels fronting SR 74, one contains a single-family residence and the other is vacant. The two parcels fronting Thompson Road each contain a single-family residence. The existing boundaries of these tracts are in the range of 800 feet from SR 74.

This is an area where the assemblage of parcels will achieve the goals of the SR 74 North Overlay District. Assemblage would meet the threshold of a minimum of ten acres and 600 feet of road frontage on SR 74 set forth in the SR 74 Special Development District in the zoning ordinance. The continuation of the service drive in Fairburn would be required if Area 2 is assembled and zoned for non-residential uses. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning.

In the interim pending assemblage of this area, those tracts within the Special Development District, Area 2 with frontage on SR 74 can be given individual consideration for O-I zoning. Tracts that do not have frontage on SR 74 that are within the Special Development District, Area 2 should not be given individual consideration for O-I zoning. Consideration for O-I zoning should not be given to these tracts until they are assembled with adjacent properties to meet the requirements of the SR 74 North - East Side Special Development District in the O-I Zoning classification.

Area 3: This area starts approximately 800 feet south of Thompson Road and extends approximately 1,300 feet to the south from this point. This area contains approximately 24 acres in the Special Development District. These 24 acres are part of an 81 acre tract which contains a single-family residence. The single-family residence is not within the 24 acres contained in the Special Development District.

This is an area where the assemblage of parcels is not necessary to achieve the goals of the SR 74 North Overlay District. The continuation of the service drive in Fairburn would be required if this property is zoned for non-residential uses. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning.

Area 4: North of Sandy Creek Road extending north approximately 1,400 feet. This area contains four parcels totaling approximately 24 acres in the Special Development District. All four parcels have frontage on SR 74 and one parcel also has frontage on Sandy Creek Road. Of the four parcels, three parcels each contain a single-family residence and one is vacant. The existing boundaries of these tracts are in the range of 700 feet from SR 74.

This is an area where the assemblage of parcels is necessary to achieve the goals of the SR 74 North Overlay District. Assemblage would meet the threshold of a minimum of ten acres and 600 feet of road frontage on SR 74 set forth in the SR 74 Special Development District in the zoning ordinance. The continuation of the service drive in Fairburn would not be required. The number of curb cuts will be addressed through conditions placed on the property at the time of rezoning.

In the interim pending assemblage of this area, the four tracts can be given individual consideration for O-I zoning.

Discussion:

Mr. Williams pointed out that the boundaries drawn for Area 1 and Area 2 followed parcel boundaries approximately 800 feet deep from S.R. 74 North with the exception of a ten (10) acre parcel in Area 1. He noted that there was approximately 5.5 acres within the 800 foot portion and the remainder was approximately 4.5 acres. He provided Option 1 and Option 2 for discussion.

Page 13

PC Workshop/Public Meeting

June 19, 2008

Tim Thoms stated he was leaning toward Option 2 with conditional zoning.

Vice-Chairman Gilbert concurred. He opened the floor for comments from property owners living on S.R. 74 North and Thompson Road.

David Rossetti asked if O-I would be allowed to the east of the frontage road.

Mr. Williams replied that the intent would be to identify specific conditions regarding future development of the rear portion of the parcel during the rezoning process.

Mr. Rossetti asked if 100 feet of road frontage would be required for the rear portion of the ten (10) acre tract for residential development.

Mr. Williams replied that 100 feet of road frontage would be required from a public road; however, the frontage road is proposed to be a private service road.

Bill Beckwith inquired that if the service road was dedicated as a public road would this meet the County's Development Regulations regarding road frontage.

Mr. Williams replied that this would be correct.

Mr. Rossetti asked if sewer was available.

Mr. Williams replied that the sewer exists in the S.R. 74 North corridor up to the Publix Shopping Center within the city limits of Tyrone. However, he stated that any remaining capacity is basically controlled by the Town of Tyrone and John Wieland Homes. He added that since John Wieland Homes had paid for a major portion of the sewer in order to service the Estates of Southampton, they were in control of the remaining capacity, if any exists.

Vice-Chairman Gilbert advised that typically Fayette County does not allow usage of another jurisdiction's sewer.

Glenn Cline confirmed that his family owned the ten (10) acre tract in question and stated that Option 2 would probably work best for him. He commented that this was his first time reviewing the proposed amendments; however, they are pretty clear.

Melvin Etris questioned why he could not use a portion of the rear portion of his property beyond the proposed 800 foot land use boundary if there were 100 feet or more of good development property.

Mr. Williams replied that this would be taken into consideration.

Tim Thoms verified that if a new structure was built between S.R. 74 North and the service road, it would have to leave room for the service road as a condition of zoning.

Mr. Williams replied that the service road would have to be constructed as a condition of zoning.

Angelia Rosser commented that she owned approximately one (1) acre and she wanted consideration for O-I.

Mr. Williams replied that the service road would not be adjacent to her parcel; therefore, she would not be responsible for construction of the service road under the proposed alignment.

Page 14
PC Workshop/Public Meeting
June 19, 2008

Hearing no further discussion, Mr. Williams advised that the proposed amendments would be discussed further at the next Workshop.

* * * * *

4. **Discussion of proposed amendments to the Fayette County Zoning Ordinance regarding Article VI. District Use Requirements, 6-17. O-I, Office-Institutional District, G. SR 74 North – East Side Special Development District as presented by the Planning & Zoning Department.** *Instructed by BOC on 08/01/07 to begin review.*

Tom Williams stated that the proposed amendments were developed for the east side of the S.R. 74 North corridor. He advised that incentives for the O-I zoning district are spelled out in the proposed amendments as follows:

ARTICLE VI. DISTRICT USE REQUIREMENTS
6-17. O-I, Office-Institutional District

Added in its entirety.

- G. SR 74 North - East Side Special Development District. The following will apply to the area identified in the Fayette County Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 and designated as Special Development District and Office on the Fayette County Future Land Use Plan Map. The purpose of this Special Development District is to promote planned office development along the frontage of SR 74 to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are: (1) to maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85; (2) to enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and (3) to protect existing and future residential areas in the SR 74 North corridor.

The assemblage of parcels will be necessary in some areas to meet the intent of the Special Development District. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.

1. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74, a maximum of twenty (20) percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 - a. Restaurants (No drive-through or free standing facilities shall be allowed);
 - b. Personal Services;
 - c. Convenience/food store (no gasoline sales);
 - d. Blueprinting, graphic, and copying service; and
 - e. Office and computer supplies.

Tim Thoms questioned if allowances could be made for density, impervious surface percentage, square footage, setbacks, and landscape areas for more incentives.

Page 15

PC Workshop/Public Meeting

June 19, 2008

Mr. Williams replied that these items could be considered.

Mr. Thoms stated he would like to see more incentives which would encourage the assemblage of parcels.

Vice-Chairman Gilbert concurred with Mr. Thoms. He suggested to contact the Fayette County

Development Authority to see what kind of incentives they felt would be beneficial.

Mr. Williams reminded the P.C. that the P&Z Staff have consulted with Matt Forshee on several occasions. He added that the Business Technology Park proposed for the west side of the S.R. 74 North corridor would also be an incentive for the east side since this is the gateway for Fayette County.

Hearing no further discussion, Mr. Williams thanked the citizens for attending the Workshop and advised that the proposed amendments would be discussed further at the next Workshop.

The citizens thanked Mr. Williams and the P.C. for the work they had accomplished and for allowing them to be a part of the process.

* * * * *

Vice-Chairman Gilbert asked if there was any further business. Hearing none, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. Tim Thoms seconded the motion. The motion unanimously passed 4-0. Chairman Powell was absent. The Public Meeting/Workshop adjourned at 9:11 P.M.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

**AL GILBERT
VICE-CHAIRMAN**

**ROBYN S. WILSON
P.C. SECRETARY**